

operators to use a financial test instead of a more expensive third-party instrument to assure that adequate funds will be readily available to cover the costs of closure, post-closure care, and corrective action associated with MSWLFs.

IV. Effective Date

Today's rule is effective immediately. Section 3010(b) of RCRA provides that regulations respecting requirements applicable to the treatment, storage, or disposal of hazardous waste shall take effect six months after the date of promulgation. However, section 3010(b)(1) of RCRA allows the Agency to set a shorter effective date if the Agency finds that the regulated community does not need six months to come into compliance with the new regulation.

The regulated community does not need six months to come into compliance with today's rule, because the provisions of this rule delays the regulatory requirements of financial responsibility and allows the Agency time to develop additional, more flexible, methods for MSWLF owners and operators to comply with the regulations. Today's rule, therefore, is immediately effective under section 553(d) of the Administrative Procedure Act.

V. Economic and Regulatory Impacts

A. Executive Order 12866

Under Executive Order 12866, which was published in the **Federal Register** on October 4, 1993 (see 58 FR 51735), the Agency must determine whether a regulatory action is "significant" and, therefore, subject to OMB review and the requirements of the Executive Order. The Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The Agency believes that this final rule does not meet the definition of a

major regulation. Thus, the Agency is not conducting a Regulatory Impact Analysis, and today's final rule is not subject to review by the Office of Management and Budget (OMB) based upon Executive Order 12886.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act [5 U.S.C. 601 et seq.] at the time an Agency publishes a proposed or final rule, it generally must prepare a Regulatory Flexibility Analysis that describes the impact of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions), unless the Administrator certifies that the rule will not have a significant economic impact on a substantial number of small entities. The effect of this final rule is to provide small entities with additional time to meet the financial assurance requirements of subtitle D regarding closure and post-closure costs. Therefore, pursuant to 5 U.S.C. 605b, the Agency believes that this final rule will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Agency has determined that there are no new reporting, notification, or recordkeeping provisions associated with today's final rule.

List of Subjects in 40 CFR Part 258

Environmental protection, Reporting and recordkeeping requirements, Waste treatment and disposal.

Dated: March 31, 1995.

Carol M. Browner,

Administrator.

For the reasons set out in the preamble, title 40 chapter I, of the Code of Federal Regulations is amended as follows:

PART 258—CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

1. The authority citation for part 258 continues to read as follows:

Authority: 42 U.S.C. 6907(a)(3), 6912(a), 6944(a), and 6949a(c); 33 U.S.C. 1345(d) and 1345(e).

2. § 258.70 is amended by revising paragraph (b) to read as follows:

§ 258.70 Applicability and effective date.

* * * * *

(b) The requirements of this section are effective April 9, 1997.

3. § 258.74 is amended by revising paragraph (a)(5) to read as follows:

§ 258.74 Allowable mechanisms.

* * * * *

(a) * * *

(5) The initial payment into the trust fund must be made before the initial receipt of waste or before the effective date of the requirements of this section (April 9, 1997), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of § 258.58.

* * * * *

4. § 258.74 is amended by revising the third sentence of paragraph (b)(1); by revising the second sentence of paragraph (c)(1); and by revising the second sentence of paragraph (d)(1) to read as follows:

§ 258.74 Allowable mechanisms.

* * * * *

(b) * * *

(1) * * * The bond must be effective before the initial receipt of waste or before the effective date of the requirements of this section (April 9, 1997), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of § 258.58. * * *

* * * * *

(c) * * *

(1) * * * The letter of credit must be effective before the initial receipt of waste or before the effective date of the requirements of this section (April 9, 1997), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of § 258.58.

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(d) * * *

(1) * * * The insurance must be effective before the initial receipt of waste or before the effective date of the requirements of this section (April 9, 1997), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of § 258.58. * * *

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GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-20

[FPMR Amendment D-93]

RIN 3090-AF50

Energy Conservation

AGENCY: Public Buildings Service,
General Services Administration.

ACTION: Final rule.

SUMMARY: This rule eliminates the General Services Administration's existing operating standards and allows for the maintenance of building temperatures in a manner satisfactory to users and consistent with local commercial practices. In addition, it deletes the minimum ventilation rate and replaces it with the ventilation standards specified by the American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE Standard 62 Ventilation for Acceptable Indoor Air Quality).

EFFECTIVE DATE: April 7, 1995.

FOR FURTHER INFORMATION CONTACT:
Jim Carelock, Office of Property
Management, Washington, DC 20405,
(202) 501-1430.

SUPPLEMENTARY INFORMATION: Executive Order 12862, Setting Customer Service Standards, states that in order to carry out the principles of the National Performance Review, the Federal Government must be customer-driven. GSA, in an effort to become more customer driven, seeks to improve customer satisfaction, by changing regulations that have direct effect on three areas of low customer satisfaction. GSA's customers, building tenants have indicated by their responses to customer surveys that they have very low satisfaction levels for the following: ventilation, 42 percent satisfied; indoor air quality, 44 percent satisfied; summer temperature, 53 percent satisfied; and winter temperature, 56 percent satisfied.

The two sections of the Federal Property Management Regulations (FPMR) addressed in this regulation mandate space temperatures and ventilation rates that contribute to low customer satisfaction. These changes will permit the Buildings Managers to control building temperatures and mandate adherence to the latest air ventilation guidelines. The proposed regulation was published in the **Federal Register** on September 13, 1994, for comment (59 FR 46951). No comments were received during the comment period.

Executive Order 12866

The General Services Administration (GSA) has determined that this rule is not a significant regulatory action for the purposes of Executive Order 12866.

Regulatory Flexibility Act

GSA has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

List of Subjects in 41 CFR Part 101-20

Fire prevention, Blind, Safety, Concessions, Crime, Federal buildings and facilities, Government property management, Security measures.

For the reasons set out in the preamble, 41 CFR Part 101-20 is amended as follows:

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

1. The authority citation for Part 101-20 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

2. Section 101-20.107 is amended by revising paragraph (c)(1) and paragraph (e) to read as follows:

§ 101-20.107 Energy conservation.

* * * * *

(c) * * *

(1) Temperatures will be maintained to maximize customer satisfaction by conforming to local commercial equivalent temperature levels and operating practices. GSA will seek to minimize energy use while operating its buildings in this manner. During non-working hours, heating temperatures shall be set no higher than 55 degrees Fahrenheit and air-conditioning will not be provided except as necessary to return space temperatures to a suitable level for the beginning of working hours.

* * * * *

(e) During working hours in periods of heating and cooling, provide ventilation in accordance with ASHRAE Standard 62, *Ventilation for Acceptable Indoor Air Quality* where physically practical. Where not physically practical, provide the maximum allowable amount of ventilation during periods of heating and cooling and pursue opportunities to increase ventilation up to current standards. ASHRAE Standard 62 is available from ASHRAE Publications

Sales, 1791 Tullie Circle NE, Atlanta, GA 30329-2305.

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Dated: March 24, 1995.

Julia M. Stasch,

Acting Administrator of General Services.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 950206040-5040-01; I.D.
040395D]

Groundfish of the Bering Sea and Aleutian Islands Area; Trawl Yellowfin Sole Fishery in Zone 1

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for yellowfin sole by vessels using trawl gear in Bycatch Limitation Zone 1 (Zone 1) of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the prohibited species catch (PSC) allowance of *C. bairdi* Tanner crab apportioned to the trawl yellowfin sole fishery category in Zone 1.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), April 4, 1995, until 12 midnight, A.l.t., December 31, 1995.

FOR FURTHER INFORMATION CONTACT:
Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

The 1995 PSC allowance of *C. bairdi* Tanner crab in Zone 1 for the trawl yellowfin sole fishery category, which is described at § 675.21(b)(1)(iii)(B)(I), was established as 225,000 crabs in Table 7 on page 8485 of the 1995 specifications (60 FR 8479, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 675.21(c)(1)(i), that the PSC allowance